

REMARKS/ARGUMENTS

Claims 1, 2, 4-14 and 16-21 remain in the application, all of which stand rejected.

1. Rejection of Claims 1, 2, 4-14 and 16-21 Under 35 USC 103(a)

Claims 1, 2, 4-14 and 16-21 stand rejected under 35 USC 103(a) as being obvious over Killian (U.S. Pat. No. 6,438,592) in view of Adar et al. (U.S. Pat. No. 6,470,269; hereinafter "Adar").

In responding to applicants' previous arguments for the allowability of their claims, the Examiner states:

... The Examiner respectfully notes that there is no direct recitation as to how the interaction profile is generated according to monitored abort times and frequencies. In fact, given the broadest most reasonable interpretation of the claim language, it is entirely possible that the monitored user interaction could, in addition to abort frequencies and abort times, involve monitor other user interaction. It is further within the scope of the claims that, based on this other user interaction, a user patience level may be generated. Accordingly, and for the reasons further provided below, Adar and Killian are understood to teach the features of at least the independent claims.

10/21/2005 Final Office Action, p. 2.

Applicants respectfully disagree, and believe their prior incorporation of the limitations of their original claim 3, into their claim 1, made it clear that 1) a "user patience level is assigned in response to monitoring user abort time and user abort frequency", and 2) a user patience level is not merely assigned in response to "other user interaction". However, applicants also believe that their independent claims can be further amended to address the Examiner's above-stated concerns, without adding new matter, and without changing what they believe is the scope of their independent claims. As a result, applicants have amended their claims 1, 8 and 16 to recite, for example:

Claim 1 (currently amended): A method for optimizing a computing session for a particular user, comprising:

monitoring user interaction with a computer during said computing session, the monitored user interaction including abort times and abort frequencies of Internet queries;

generating an interaction profile based on said monitored user interaction, said generating including assigning a user patience level for the particular user, said user patience level being assigned in response to said abort times and abort frequencies of said Internet queries; and

optimizing said computing session based at least in part on said generated interaction profile, including said abort times and abort frequencies of said Internet queries, and on a response policy.

Applicants' representative discussed the above amendments with the Examiner in a telephone Interview conducted on December 21, 2005. During the Interview, the Examiner indicated that amendments similar to those made above would likely overcome his current rejections. However, the Examiner also indicated that an additional search might be necessary. Applicants' representative indicated that he did not believe that an additional search was necessary, because the above amendments to applicants' claim 1 are based on limitations that existed in applicants' original claim 3 (and were therefore already searched).

If the Examiner does not allow applicants' claims on the above basis, applicants stand by their previous position concerning the deficiencies in the combined teachings of Killian and Adar, as summarized below.

With respect to Killian, the Examiner asserts that Killian teaches client computers that return "performance messages" to a server, and that:

. . . Depending on the content delivered, a performance message comprises. . . the amount of time taken before the user aborts downloading a web page from the server (see column 8, line 57 - column 9, line 60). Killian discloses that the monitored amount of time taken before the user aborts downloading a web page is incorporated within an "unloadTimeDistribution" parameter, which provides an indication of how patient users are in waiting for a particular page to be downloaded (see column 23, lines 44-48). . . . Killian particularly discloses that for each client computer, a "browserID node" exists in the clientSpaceTree, and represents that client computer (see column 19, lines 32-55). More specifically, Killian discloses that each such browserID node comprises performance data relating to the client associated with the node (see column 21, lines 27-45). If this performance data indicates a problem for a particular client, such as an unacceptable length of time required to receive

and download content from the server to the client, the browserID node associated with the client is designated as a "problemNode" (see column 26, lines 25-38). In response to subsequent requests by a client represented by such a problemNode, the server generates a "light version" of the requested web page and delivers it to the client (see column 25, line 46 - column 26, line 11). . . .

10/21/2005 Final Office Action, pp. 4-5.

The Examiner then concludes that Killian teaches all of the limitations of applicants' claim 1, but for "assigning a user patience level for the particular user." Applicants agree that Killian does not teach the assignment of a user patience level to a particular user. However, applicants also believe the Examiner's list of what Killian teaches (see above) is misleading to the reader. Applicants therefore wish to make it clear that, even though 1) Killian's server receives "pageUnload" messages from a client computer, and 2) a pageUnload event "means the user of the client elected to leave a page before it was completely downloaded" (see, col. 9, lines 20-22), Killian only uses pageUnload messages to update an unloadTimeDistribution for the *page* which was unloaded (see, col. 23, lines 44-48). As taught by Killian, the unloadTimeDistribution is an aggregate distribution of PageUnloads *for all clients*, and may be used to optimize the delivery of a particular web page for *all users*, rather than customizing the delivery of a particular web page for *each user*. ***Killian does not indicate that pageUnload messages are logged to individual browserID nodes, or that the unloadTimeDistribution has any significance for different ones of the individual browserID nodes.***

To cure the deficiencies of Killian's teachings, the Examiner asserts that it would have been obvious to one of ordinary skill in the art to combine Killian's teachings with those of Adar. Specifically, the Examiner asserts that it would have been obvious to:

. . . modify the method taught by Killian to additionally assign a confidence level, i.e., a patience level, to each particular user based on monitored interaction, as done by Adar. It would have been advantageous to one of ordinary skill to utilize such a combination because such a confidence level may be used to generate additional advertising revenue, as is taught by Adar.

10/21/2005 Final Office Action, p. 6.

Applicants respectfully disagree. First, and as already discussed above, Killian's system is page-centric – optimizing the loading of pages for users in general, rather than optimizing the loading of pages for any particular user. Adar's teachings are largely group-centric – optimizing the loading of pages for different genders or categories of users. See, e.g., Adar's FIG. 9 and col. 7, lines 39-40. As far as applicants can ascertain, Adar provides only one brief mention that, "confidence levels could also be derived from a user profile that is created by monitoring a particular user's surfing patterns." See, Adar, col. 7, lines 44-46. Applicants believe the Examiner is relying on this one passing comment by Adar as a basis for 1) combining Killian's page-centric system with Adar's group-centric methods, and 2) reconfiguring all of Killian's and Adar's teachings for user-centric operation. Applicants do not believe this would have been obvious to one of ordinary skill in the art, and rather, the manner in which Killian's and Adar's teachings might be combined is mere speculation by the Examiner – using applicants' own teachings as a guide.

Further, and as argued in Section 1 of these Remarks / Arguments, Adar fails to teach the monitoring of query "abort times" and "abort frequencies". Killian also fails to mention the monitoring of query "abort frequencies". Although Killian does teach the monitoring of page load aborts, this is done only for the purpose of aggregating such information for all users, so as to maintain unloadTimeDistributions for particular web pages (and not for particular users).

Applicants' amended claims 1, 8 and 16 are believed to be allowable over the combined teachings of Killian and Adar for at least the above reasons. Applicants' claims 5, 6, 9, 11-14, 18 and 19 are believed to be allowable at least for the reason that they depend from applicants' claims 1, 8 or 16.

Applicants' claim 21 is believed to be allowable for the reasons asserted in applicants' previous Office Action response. That is, claim 21 is believed to be allowable because Adar does not disclose the identification of a user's purpose based on monitored times between a user's Internet queries. Although Adar discloses the identification of a user's purpose based on the "category" of a user's request, a "category" of a single query is quite different from the "times between" different queries. As disclosed in applicants' specification, the times between queries


can be used to determine whether a user is "generally browsing" or "searching". See, e.g., specification, p. 8, lines 15-23.

It is also noted that, in rejecting claim 21, the Examiner does not indicate where either Killian or Adar teaches "identifying a user purpose".

2. Conclusion

In light of the above amendments and remarks, applicants request the timely issuance of a Notice of Allowance.

Respectfully submitted,
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